

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JAMISI JERMAINE CALLOWAY,

Plaintiff,

v.

YOUSSEE, *et al.*,

Defendants.

Case No. 1:21-cv-01450-JLT-BAM (PC)

**ORDER GRANTING IN PART DEFENDANT
RAO'S MOTION FOR ADMINISTRATIVE
RELIEF RE: EXTENSION OF TIME TO FILE
RESPONSIVE PLEADING**

(ECF No. 44)

**Responsive Pleading Due: November 28,
2022**

Plaintiff Jamisi Jermaine Calloway ("Plaintiff") is a state prisoner proceeding *pro se* in this civil rights action under 42 U.S.C. § 1983. This action proceeds on Plaintiff's first amended complaint against Defendants Y. Rao, Del Pilar, H. Diaz, T. Loar, and H. Smuzynski for deliberate indifference to serious medical needs in violation of the Eighth Amendment when they released Plaintiff from a suicide crisis bed, and against Defendants D. A. Lopez and M. Cuevas for deliberate indifference to serious medical needs in violation of the Eighth Amendment when they failed to intervene during Plaintiff's two suicide attempts.

The deadline for Defendants Del Pilar, H. Diaz, H. Smuzynski, D. A. Lopez, M. Cuevas, and T. Loar to file their responses to the first amended complaint has been extended to November 28, 2022. (ECF No. 42.) Defendant Rao's response to the first amended complaint is currently due on or before October 7, 2022. (ECF No. 43.)

Currently before the Court is a motion for administrative relief re: extension of time for Defendant Rao to file responsive pleading, filed October 5, 2022. (ECF No. 44.) Plaintiff has not had the opportunity to respond to the motion, but the Court finds a response unnecessary. The

1 motion is deemed submitted. Local Rule 203(l).

2 In support of the motion, counsel for Defendant Rao declares that due to staffing issues at
3 the Office of the Attorney General, the Court previously granted all other defendants an extension
4 of time to file a responsive pleading through November 18, 2022. (ECF No. 44.) For the same
5 reasons set forth in the prior motion for administrative relief, Defendant Rao also requests an
6 extension of time to file a responsive pleading, through November 18, 2022. Providing this
7 extension will also allow Defendants to file a single responsive pleading, furthering judicial
8 economy. (*Id.*)

9 The Court, having considered the request, finds good cause to grant, in part, the requested
10 extension of time. Fed. R. Civ. P. 6(b). The Court clarifies that the current deadline for all other
11 defendants to file a responsive pleading to the first amended complaint is **November 28, 2022**,
12 not November 18, 2022. Therefore, the deadline for Defendant Rao's responsive pleading will
13 also be extended to November 28, 2022. The Court further finds that Plaintiff will not be
14 prejudiced by the extension requested here, particularly as this will permit all defendants now
15 appearing to file an answer or other responsive pleading at the same time. Should Defendants
16 require additional time to respond to the complaint, they may seek a further extension of this
17 deadline, supported by good cause.

18 Accordingly, it is HEREBY ORDERED as follows:

- 19 1. Defendant Rao's motion for administrative relief re: extension of time to file responsive
20 pleading, (ECF No. 44), is GRANTED IN PART; and
21 2. Defendant Rao (and all other defendants) shall file and serve a response to the complaint
22 on or before **November 28, 2022**.

23
24 IT IS SO ORDERED.

25 Dated: October 5, 2022

26 /s/ Barbara A. McAuliffe
27 UNITED STATES MAGISTRATE JUDGE
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